

3036 *Theodore Issler*  
Rt 1, Box 221952  
Hermiston, Ore.

3036

STATUS OF APPLICATION

Change in point of diversion  
Date filed 5-7-74  
Date of hearing 1-11-77  
Place of hearing Pendleton  
Date of order 5-18-77 Vol. 29, page 41  
Date for application of water 10-1-78  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued **DEC 28 1982** Vol. 46, page 51354

*Surveyed  
2-79  
Recked 3/80*

REMARKS

*loc. #50554, 43651*

*SEE T-5584 Add'1 POD*

DESCRIPTION OF WATER RIGHT

Name of stream Umatilla River  
Trib. of \_\_\_\_\_ County of Umatilla  
Use irrigation  
Quantity of water 0.20 cfs No. of acres 15.0  
Name of ditch \_\_\_\_\_  
Date of priority May 25, 1967  
In name of Theodore Issler  
..... Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 43651 Per. No. 32631 Cert. No. 38292  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
5-7-74	30.00	39947
11-1-76	45.00 P.O.N.	56678
TOTAL 5-16-77	8.59	60534
Cert. Fee		

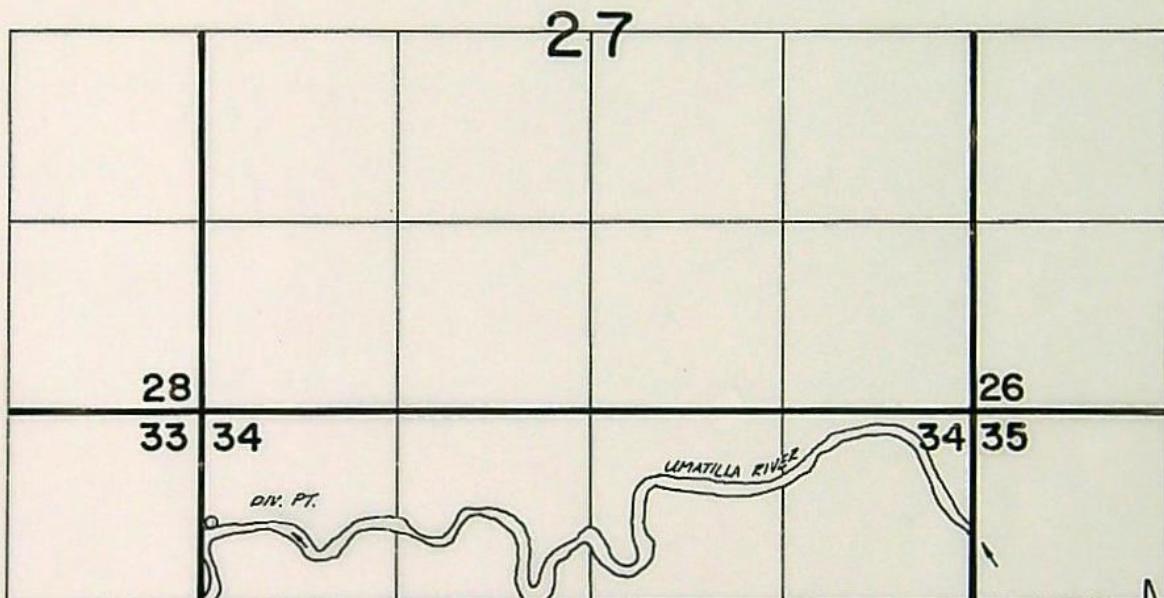
FEES REFUNDED

Date	Amount	Check No.

*1-6-77 \* 8.59 Trf. from Rec. Fees to  
P.O.N. Rec # 56678 to  
make a total of 53.59, which  
was made into a check to pay  
The Hermiston Herald for  
publishing the Water Right Transfer.  
1-6-77 Ch. #1054 \* 53.59*

INDEX CARDS:  Entered  Checked  
 Name  \_\_\_\_\_  
 Stream  \_\_\_\_\_  
 Pt. of Div.  \_\_\_\_\_  
 Calendar  \_\_\_\_\_  
TO BE ENTERED WHERE CHECKED:  WH  WH  WH  
CHECKED TO RECORDS:  0  Twp. & Rge.  \_\_\_\_\_  
 Decree-vault  \_\_\_\_\_  
 Decree-safe  \_\_\_\_\_  
 Cert. of W/R  dig  Dij  
 Per. Folder  dig  Dij  
 Chaindex  \_\_\_\_\_  
 Cross Ref.  \_\_\_\_\_  
 Power Claim  \_\_\_\_\_

T. 4N. R. 28E. W.M.



DIVERSION POINT LOCATED 740' S. & 50'E. FROM NW COR SEC 34

**FINAL PROOF SURVEY  
UNDER**

**TRANSFER 3036**

Application No. ..... Permit No. .....  
IN NAME OF

.....J.R.SIMPLOT COMPANY.....

Surveyed 9-27-1979, by V. CHURCH.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION  
OF THEODORE ISZLER FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION  
OF WATER FROM UMATILLA RIVER

ORDER APPROVING  
TRANSFER NO. 3036

On May 7, 1974, Theodore Iszler filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Umatilla River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 38292, Volume 30, State Record of Water Right Certificates, in the name of Theodore Iszler, describes an existing right of record for the use of not to exceed 0.20 cubic foot per second from Umatilla River for irrigation of 13.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.2 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 4 North, Range 28 East, W.M., with a date of priority of May 25, 1967.

Water for the said right is diverted from 2 points located (1) 830 feet South and 510 feet West (2) 870 feet South and 1340 feet West from the North quarter-corner of Section 34, being within the (1) NE $\frac{1}{4}$  NW $\frac{1}{4}$  and (2) NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 4 North, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, from the said 2 points of diversion to one point of diversion located 750 feet South and 2140 feet West from the North quarter-corner of Section 34, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 4 North, Range 28 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of November 18, and 25, and December 2, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Umatilla River described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.20 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Theodore Iszler and recorded at Page 38292, Volume 30, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water

WPP COLLCN  
WPP 642 1972  
to the extent intended under the provisions of this order, a confirming certificate  
of water right shall be issued to Theodore Iszler.

Dated at Salem, Oregon, this 18th day of May, 1977.

/s/ JAMES E. SEXSON  
Director

WPP COLLCN  
WPP 642 1972

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

*Type  
Copy*  
This Is to Certify, That *J. R. Simplot Company*  
PO Box 1059 *Caldwell* *ID 83605*  
of Route 1, Box 240, Hermiston, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Umatilla River

a tributary of Columbia River  
irrigation of 15.0 acres

for the purpose of

under Permit No. 32631 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from May 25, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
0.20 cubic foot per second, if available at the original points of diversion; NE<sup>1/4</sup> NW<sup>1/4</sup>,  
NW<sup>1/4</sup> NW<sup>1/4</sup>, Sec 34 T4N R28E W.M., 830's & 510'W, 870' S & 1340'W both from N<sup>1/4</sup> cor Sec 34

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NE<sup>1/4</sup> NW<sup>1/4</sup>, NW<sup>1/4</sup> NW<sup>1/4</sup>, Section 34, T. 4 N., R. 28 E.,  
W. M. Diversion points located: 830 feet South and 510 feet West; 870 feet  
South and 1340 feet West; both from N<sup>1/4</sup> Corner, Section 34.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited  
to a diversion of not to exceed 4½ acre feet per acre for each acre irrigated  
during the irrigation season of each year,

and shall  
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

13.8 acres NE<sup>1/4</sup> NW<sup>1/4</sup>  
1.2 acres NW<sup>1/4</sup> NW<sup>1/4</sup>  
Section 34  
T. 4 N., R. 28 E., W. M.

This certificate is issued to confirm a change in point of diversion approved  
by an order of the Water Resources Director entered May 18, 1977 and  
supersedes certificate of water right recorded at page 38292,  
Volume 30, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

51354

**NOTICE OF WATER  
RIGHT TRANSFER  
APPLICATION NO. 3036  
FOR CHANGE IN POINT  
OF DIVERSION**

Notice is given hereby that Theodore Iszler has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Umatilla River.

Certificate of water right recorded at Page 38292, Vol. 30, State Record of Water Right Certificates, in the name of Theodore Iszler, describes an existing right of record for the use of not to exceed 0.20 cubic foot per second from Umatilla River for irrigation of 13.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.2 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sect. 34, T. 4 N., R. 28 E., W.M., with a date of priority of May 25, 1967.

Water for the said right is diverted from 2 points located (1) 830 ft. S. and 510 ft. W. (2) 870 ft. S. and 1340 ft. W. from the N.  $\frac{1}{4}$  corner of Sec. 34, being within the (1) NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and (2) NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Sec. 34, T. 4 N., R. 28 E., W. M.

The applicant herein, owner of the lands above described, proposes to change, without loss, of priority, from the said 2 points of diversion to one point of diversion located 750 ft. S. and 2140 ft. W. from the N  $\frac{1}{4}$  corner of Sec. 34, being within the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Sec. 34, T. 4 N. R. 28 E., w.m.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on January 11, 1977, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Theodore Iszler, Rt. 1, Box 352, Hermiston, Or. 97838, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for

hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon,  
this 8th day of November,  
1976.

1976. JAMES E. SEXON  
Director  
Pub.: Nov. 18, 25 and Dec.  
2, 1976.

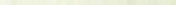
**AFFIDAVIT OF PUBLICATION**

State of Oregon )  
County of Umatilla ) ss

I, G. M. Reed, being first duly sworn, depose and say that I am the publisher of The Hermiston Herald, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, Oregon Compiled Laws Annotated; printed and published at Hermiston in the aforesaid county and state; that the

Notice of Water Right Transfer Application No. 3036 for Change in Point of Diversion, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for...3...successive and consecutive weeks in the following issues:

Nov. 18, 25 and Dec. 2, 1976.



Subscribed and sworn to before me this 2nd  
day of December, 1976

Norma M. Beckell  
Notary Public for Oregon

My commission expires May 21, 1982.



RECEIVED

DEC 13 1976

WATER RESOURCES DEPT  
SALEM, OREGON